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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,664	03/25/2004	Joseph F. Bader	222104	7832
23460	7590	03/22/2006	EXAMINER	
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780			TON, ANABEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

<b>Office Action Summary</b>	<b>Application No.</b> 10/809,664	<b>Applicant(s)</b> BADER ET AL.	
	<b>Examiner</b> Anabel M. Ton	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 13-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13, 15, 17, 18, 22, 23, 25, 27, 28, 30, 31, 35, 36, 38, 44 and 46-48 is/are rejected.
- 7) ☒ Claim(s) 14, 16, 19-21, 24, 26, 29, 32-34, 37, 39-42, 45, 49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/05</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The indicated allowability of claims 13,15,17,18,22,23,25,27,28,30,31,35,36 is withdrawn.

### ***Claim Objections***

2. Claim 48 is objected to because of the following informalities: There is no antecedent basis for the limitation of a first seal member or second seal member. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. Claims 13,15,17,18,22,23,25,27,28,30,31,35,36,38,43,44,46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al (6,140,918).

Green discloses the claimed invention except for the specific mentioning of a mounting feet secured to the light bar. Green discloses a light bar comprising a plurality of signaling devices (124) supported on and distributed along the base member (160) and pair of mounting feet (162) integral with the light bar housing, the mounting feet secured to the vehicle each mounting foot including an outer end (122) the outer ends of the mounting feet facing away from each other each mounting foot including base (162) the base having a supporting function (engages vehicle surface and holds an auxiliary light source) and a compartment (encompassing light source 120R) the

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support portions of the mounting feet supporting the base member of the light bar (as can be seen by figure 3, 160 and 162 are integral and both aid in supporting the base member of the light bar) and the compartment disposed adjacent the outer end of the mounting foot(fig 3); an auxiliary signaling device mounting in one of the mounting feet, the auxiliary signaling device mounted in one of the compartments (120R, L); the light bar includes a pair of outer ends, the bases member of the light bar extending substantially along the axis defined by the outer ends (fig 3, base 160 extends substantially along ends of the light bar); the mounting foot,( 162) having a contoured profile to substantially conform to the mounting surface of the emergency vehicle (fig 3), each base of each mounting food has a mounting hole including a strap (166) and a bolt (186), the strap being substantially rigid and having a flange with an opening there through, the bolt extending through the opening of the strap and into the mounting hole to secure the strap to the base, the auxiliary signaling device comprises a lamp assembly, the emergency vehicle is a police car. It would have been obvious to one of ordinary skill in the art at the time the invention was made to separate the mounting feet of Green instead of making them integral with the structure of the light bar since applicant is advised that it has been held by the courts that the mere fact that a given structure is integral does not preclude its consisting of various elements, and that constructing a formerly integral structure in various portions involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 178. In this case, the light bar and exterior structure including the mounting feet/structure 162 and the interior compartment holding and auxiliary light source satisfy applicant's limitations.

***Allowable Subject Matter***

4. Claims 14,16,19-21,24,26,29,32-34,37,39-42,45,49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: the prior art cited does not teach for each mounting foot a cover and a pair of seals associated with the compartment, the light bar comprises a multi level light bar, the lamp assembly is pivotally mounted to the base.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton  
Examiner  
Art Unit 2875

AMT



Sandra O'Shea  
Supervisory Patent Examiner  
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